



PATENT
Attorney Docket No. BSC-217REC
(1002/1302)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Lev
SERIAL NO.: 09/923,279 GROUP NO.: 3739
FILING DATE: August 6, 2001 EXAMINER: Not yet assigned
TITLE: Radiating Device for Hyperthermia

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
REISSUE APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Reissue Application mailed June 20, 2003, enclosed is a Consent of Assignee in compliance with 37 C.F.R. 1.172, and a copy of the printed patent U.S. 5,431,648 in compliance with 37 C.F.R. 1.173(a)(1).

Applicant believes that all outstanding matters have been addressed and that the application is in condition for examination.

Please charge Deposit Account No. 20-0531 for any additional fees that may be due in this matter.

Respectfully submitted,

Date: September 18, 2003
Reg. No. 44,244

Tel. No. (617) 248-7044
Fax: (617) 248-7100

Ronda P. Moore, D.V.M.
Ronda P. Moore, D.V.M.
Attorney for Applicants
Testa, Hurwitz, & Thibeault
High Street Tower
125 High Street
Boston, Massachusetts 02110



TRANSMITTAL FORM

Application Serial Number	09/923,279
Filing Date	August 6, 2001
First Named Inventor	Lev
Group Art Unit	3739
Examiner Name	Not Yet Assigned
Attorney Docket No.	BSC-217REC/N
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _] <input checked="" type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Copy of Paper Copy/CD <input type="checkbox"/> Photocopy of Computer Readable Copy <input type="checkbox"/> Copy of Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Reissue Application (1 pg.) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Response to Notice to File Missing Parts <input checked="" type="checkbox"/> Letter to Examiner <input checked="" type="checkbox"/> Copy of printed patent US 5,431,648 <input checked="" type="checkbox"/> Consent of Assignee <input checked="" type="checkbox"/> Clean copy of pending claims
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CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Date: September 18, 2003
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Tel. No.: (617) 248-7044
Fax No.: (617) 248-7100

Ronda P. Moore, D.V.M.
Attorney for Applicant(s)
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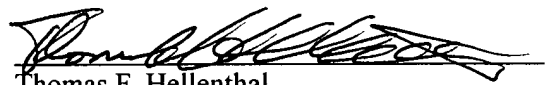
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Attorney Docket No. BSC-217REC (1002/1302)

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APPLICANT(S): Lev
SERIAL NO.: 09/923,279 GROUP NO.: 3739
FILING DATE: August 6, 2001 EXAMINER: Not Yet Assigned
TITLE: Radiating Device for Hyperthermia

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of September, 2003.


Thomas F. Hellenthal

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Fee Transmittal (1 pg.) with check for \$110.00;
3. Petition for Extension of Time (1 pg.);
4. Response to Notice to File Missing Parts (1 pg.);
5. Copy of Notice to File Missing Parts of Reissue Application (1 pg.);
6. Letter to Examiner (1 pg.);
7. Copy of printed patent US 5,431,648 (5 pgs.);
8. Consent of Assignee (1 pg.);
9. Clean copy of pending claims (2 pgs.); and
10. Return Receipt Postcard.



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Attorney Docket No. BSC-217REC
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LETTER TO EXAMINER

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

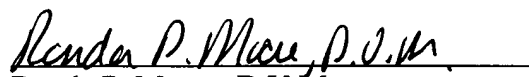
Sir:

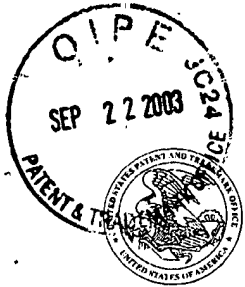
The above-identified application is a continuation application of reissued patent US RE37,315. Applicant notes that in response to the Notice to File Missing Parts of Reissue Application, the specification of the above-identified application must be provided in the form of a copy of the printed patent in compliance with 37 CFR 1.173(a)(1). Accordingly, a copy of the printed patent with the claims as originally issued is submitted herewith. Applicant would like to direct the Examiner's attention to the Preliminary Amendment canceling claims 2-79, mailed to the U.S. Patent and Trademark Office on August 6, 2001, and the Supplemental Preliminary Amendment introducing new claims 80-90, mailed to the U.S. Patent and Trademark Office on November 28, 2001. Thus, Applicant believes that claim 1 and claims 80-90 are pending in the instant application. A clean copy of the pending claims is enclosed. Formal drawings were mailed to the U.S. Patent and Trademark Office on November 28, 2001.

Respectfully submitted,

Date: September 18, 2003
Reg. No. 44,244

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/923,279	08/06/2001	Avigdor Lev	BSC-217REC�

021323
TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

CONFIRMATION NO. 9037

FORMALITIES LETTER



OC000000010313609

Date Mailed: 06/20/2003

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Consent of assignee is missing. 37 CFR 1.172 requires that a reissue oath/declaration be accompanied by the written consent of all assignees.
- The reissue specification has not been provided in the form of a copy of the printed patent. Each page should be in double-column format and on only one side of each sheet of paper, as is required by 37 CFR 1.173(a)(1).

*A copy of this notice **MUST** be returned with the reply.*

 Nathaniel R. Hays

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE